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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,479

07/28/2003

Sergey Brin

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HARRITY & HARRITY, LLP  
11350 Random Hills Road  
SUITE 600  
FAIRFAX, VA 22030

EXAMINER

HARPER, LEON JONATHAN

ART UNIT

PAPER NUMBER

2166

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/629,479

**Applicant(s)**

BRIN ET AL.

**Examiner**

Leon J. Harper

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-45, 49, 51-57, 63-74 and 77-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-45, 49, 51-57, 63-74 and 77-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/2008 has been entered. Claims 37-45, 49, 51-57, 63, 64, 66 and 68 have been amended. Claims 77-89 have been added. Claims 46-48, 50, 58-62, 75 and 76 have been cancelled. Accordingly, claims 37-45, 49, 51-57, 63-74 and 77-89 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 37-45, 49, 51-57, 63-74 and 77-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030212666 (hereinafter Basu) in view of US 6243713 (hereinafter Nelson).

As for claim 37 Basu discloses: receiving a search query comprising a plurality of search terms from a user (See figure 3 #302 and paragraph 0032), where the search query further includes a plurality of user-selected operators associated with one of the search terms and where the plurality of operators comprise a same operator repeated multiple times (See paragraph 0033) of the search query (See paragraph 0043); broadening the one of the search terms based on the plurality of user-selected operators to produce a broadened search query; (See paragraphs, 0033, 0038 and 0041). Where broadening the one of the one of the search term comprises (See paragraph 0033 and 0038). and executing a search using the broadened search query (See paragraph 0041).

Basu however does not explicitly disclose broadening the one of the search terms to an extent determined by a number of times the same operator is repeated; however does disclose broadening the one of the search terms to an extent determined by a number of times the same operator is repeated; (See column 7 lines 15-25). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Nelson into the system of Basu. The modification would have been obvious because the two references are concerned with the solution to problem query broadening and data retrieval ,therefore

there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Nelsons teaching would enable users of the Basu system to explicitly have operators different from other operator along with the ability to index results and database data..

As for claim 38 the rejection of claim 37 is incorporated and further Basu discloses: where the search query further includes a user-selected delimiter associated with another one of the search terms that indicates that the other one of the search terms should not be broadened (See paragraph 0038).

As for claim 39 Basu discloses: receiving a search query comprising a plurality of search terms; broadening one of the plurality of search terms; excluding the broadened one of the plurality of search terms from the search query; executing a search based on the search query after excluding the broadened one of the plurality of search terms provide search results; and evaluating the search results relative to the excluded search term using categorical or clustered distinctions (See paragraphs 0043 and 0004).

As for claim 40 the rejection of claim 37 is incorporated and further Basu discloses: where broadening the one of the search terms comprises: determining a

meaning associated with the first one of the search terms (See paragraph 0004 and 0011).

As for claim 41 the rejection of claim 40 is incorporated and further Basu discloses: where broadening the first one of the search terms comprises: determining a related concept based on the meaning (See paragraph 0004 and 0011).

As for claim 42 the rejection of claim 37 is incorporated, and further Basu discloses: where broadening the one of the search terms comprises: modifying, replacing, supplementing, removing or restating the one of the search terms (See paragraph 0034).

As for claim 43 the rejection of claim 37 is incorporated and further Basu discloses: where broadening the one of the search terms comprises: selecting a broadening search term associated with the one of the search terms from a set of words having a synonymous, alternate spelling, common root, or similar semantic meaning (See paragraph 0041).

As for claim 44 the rejection of claim 37 is incorporated and further Basu discloses presenting at least one broadened search term associated with the first one of the search terms as at least one of a static list, a menu of selectable search terms, a set

of checkboxes or a list of selectable search terms; and receiving a selection from the presented at least broadened search term (See paragraph 0038).

As for claim 45 the rejection of claim 37 is incorporated and further Basu discloses: where broadening the one of the search terms comprises: presenting at least one broadened search characteristic associated with the one of the search terms as a hyperlink; and forming the broadened search query responsive to a selection of the hyperlink by the user (See paragraph 0038).

As for claim 49 Basu discloses: one or more instructions for receiving a search query comprising a plurality of search terms from a user, wherein the search query includes multiple symbols which define a user-assigned strength of broadening associated with one of the search terms of the search query (See paragraph 0038); one or more instructions for broadening the one of the search terms to an extent determined by the user-assigned strength to produce a broadened search query where a number of the multiple symbols determines the extent to which the one of the search terms is broadened ; and one or more instructions for executing a search based on the broadened search query (See paragraph 0038).

As for claim 51 the rejection of claim 49 is incorporated and further Basu discloses: where the search query further includes a user-selected delimiter associated

with another one of the search terms that indicates that the other one of the search terms should not be broadened (See paragraph 0038).

As for claim 52 the rejection of claim 49 is incorporated and further Basu discloses: where the one or more instructions for broadening the one of the search terms comprises: one or more instructions for determining a meaning associated with the one of the search terms (See paragraph 0004 and 0011).

As for claim 53 the rejection of claim 52 is incorporated and further Basu discloses: where the one or more instructions for broadening the one of the search terms comprises: one or more instructions for determining a related concept based on the meaning (See paragraph 0004 and 0011).

As for claim 54 the rejection of claim 49 is incorporated and further Basu discloses: where the one or more instructions for broadening the first one of the search terms comprises: modifying, replacing, supplementing, removing or restating the first one of the search terms (See paragraph 0034).

As for claim 55 the rejection of claim 49 is incorporated and further Basu discloses: where the one or more instructions for broadening the one of the search terms comprises: one or more instructions for selecting a broadening search term



associated with the one of the search terms from a set of words having a synonymous, alternate spelling, common root, or similar semantic meaning (See paragraph 0041).

As for claim 56 the rejection of claim 49 is incorporated and further Basu discloses: one or more instructions for presenting at least one broadened search term associated with the one of the search terms as at least one of a static list, a menu of selectable search terms, a set of checkboxes or a list of selectable search terms; and one or more instructions for receiving, from the user a selection from the presented at least broadened search term from the user (See paragraph 0038)..

As for claim 57 the rejection of claim 49 is incorporated and further Basu discloses: where the one or more instructions for broadening the one of the search terms comprises: one or more instructions for presenting at least one broadened search characteristic associated with the first one of the search terms as a hyperlink; and one or more instructions for forming the broadened search query responsive to a selection of the hyperlink by the user (See paragraph 0038).

As for claim 60 the rejection of claim 58 is incorporated and further Nelson discloses: where the search query further includes a user-selected delimiter associated with a second one of the search terms that indicates that the second one of the search terms should not be broadened and where the user-selected delimiter comprises a second symbol that is different than the first symbol (See figure 11a).It would have been

obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Nelson into the system of Basu. The modification would have been obvious because the two references are concerned with the solution to problem query broadening and data retrieval , therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Nelsons teaching would enable users of the Basu system to explicitly have operators different from other operator along with the ability to index results and database data.

As for claim 61 the rejection of claim 58 is incorporated and further Nelson discloses: where the at least one user-selected operator comprises a plurality of operators and where the plurality of operators comprise the first symbol repeated multiple times (See column 7 lines 15-25). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Nelson into the system of Basu. The modification would have been obvious because the two references are concerned with the solution to problem query broadening and data retrieval , therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to

combine the cited references since Nelsons teaching would enable users of the Basu system to explicitly have operators different from other operator along with the ability to index results and database data.

As for claim 63 the rejection of claim 49 is incorporated and further Nelson discloses: where the first symbol comprises one of a graphical or character symbol (See figure 11b).

As for claim 64 the rejection of claim 51 is incorporated and further Nelson discloses: where the user-selected delimiter comprises a second symbol that is different than the first symbol (See column 7 lines 25-35).

Claims 65-74 are system claims corresponding to the method of claims 1,38,64,40-45,61,63 respectively and are thus rejected for the same reasons as set forth in the rejection of claims 1,38,64,40-45,61,63.

As for claim 77 the rejection of claim 39 is incorporated and further discloses:

As for claim 78 the rejection of claim 39 is incorporated and further discloses:

As for claim 79 the rejection of claim 39 is incorporated and further discloses:

Claims 80-84 are method claims corresponding to the method of claims 1, 77-79 respectively and are thus rejected for the same reasons as set forth in the rejection of claims, 1, 77-79.

Claims 85-89 are method claims corresponding to the method of claims 1, 77-79 respectively and are thus rejected for the same reasons as set forth in the rejection of claims, 1, 77-79.

### **Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*LJH*  
*Leon J. Harper*  
*October 12, 2008*

*/Hosain T Alam/*  
*Supervisory Patent Examiner, Art Unit 2166*

